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*What does this say?*

# **SUPERIOR OFFICERS' ASSOCIATION**

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"To Lead and Serve"

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## **Senator;**

We are asking you to withhold your support of the "Civil Service Reform Bills", A-1859, A-1857, A-1855, and A-1854. These bills are badly contrived and will accomplish nothing, in regard to reforming the present Civil Service System.

While we can appreciate your concern for better service to the public, by trying to increase the accountability and productivity of the civil servants; it is our analysis, after a review and thorough comparison, of the "reform bills" with the provisions of the present law, that the "reform bills" will have an extremely deleterious effect on the delivery of services to the public. The reform bills main impetus is towards the return of the "Spoils System" with all the attendant evils. The real problem appears to lie with inept or unqualified appointees who administer the civil servants. Since the provisions found in the present Civil Service Rules, specifically Rule 4:1-16.7 Suspensions, fine and demotion for disciplinary purposes; Rule 4:1-16.8 Removal, and Rule 4:1-16.9 Causes for removal (copy enclosed) provides more tools to assure accountability and productivity than exist in private industry, the fault must lie with the administrator.

We can say with a certainty, that these bills will destroy any chance for professional, honest, and efficient Law Enforcement. At a time when crime is threatening to disrupt and possibly destroy our society, bills such as these will only facilitate the spread of criminality, by undermining Law Enforcement.

Ex-Attorney General Hyland has pointed out the serious problem of political interference in Law Enforcement at the local level. This revelation was the result of an extensive study entitled "Standards for N.J. Municipal and County Policing Systems - A Plan of Action, dated Jan. 7, 1977. This study was submitted to Gov. Byrne, and is available from the Attorney General's Office, or the Police Training Commission. Bill A-1857, allows for the rescission of Civil Service by a political sub-division. This of course will mean a "spoils system" appointing of police, under the guise of a mini-civil service local board.

These bills expressly provide for the tampering and destruction of the merit system and "the public equality of opportunity" for public jobs and promotions in the areas of examinations, declassification of positions from career positions to non-classified or executive program positions, appointment of temporaries in classified positions, the allowing of provisional promotions to be indefinite, allows criminals to compete for law enforcement positions, allows promotions without an exam if 3 valor or 3 merit awards are given to a person, by any organization which usually give such awards, provides for the creation of an "undefined" Senior Executive Program, provides for the declassification of prior career promotion positions into the area of appointed positions, creates a "Star Chamber" system of justice for police and corrections personnel concerning disciplinary penalties, and of course the rescission of Civil Service by the local and county political subdivisions.

These "so called reform bills" take the incentive out of being a productive civil servant, since they facilitate the destruction of the civil servants career path. These bills provide the every incentive for civil servants to be "non"-productive.

Sincerely,

*John J. Golba*

**4:1-16.6 Voluntary demotions**

(a) An employee may request and with the approval of the appointing authority, be granted a demotion. Such demotion shall be to a lesser position with the salary or pay thereto attached.

(b) The name of said employee shall not be placed on a reemployment list for the position from which he requests demotion, unless requested by the appointing authority and approved by the Chief Examiner and Secretary.

**4:1-16.7 Suspension, fine and demotion for disciplinary purposes**

(a) An appointing authority may suspend without pay or with reduced pay, fine or demote an employee due to inefficiency, incompetency, misconduct, negligence, insubordination or for other sufficient cause, however:

1. An employee who shall be suspended, fined or demoted more than three times in any one year, or more than five days at one time, or for a period of more than 15 days in the aggregate in any one calendar year shall be served with written charges and have the right of appeal to the Civil Service Commission. The Commission shall have the power to revoke or modify the action of the appointing authority except that removal from service shall not be substituted for a lesser penalty;

2. The appointing authority shall notify the employee and the Department of Civil Service of the reasons for the suspension, fine or demotion regardless of the extent or duration of the disciplinary action;

3. No suspension shall exceed six months.

(b) In State service any disciplinary suspension, fine, or demotion of less severity than those from which appeal may be made to the Commission may be the subject of a grievance within the departmental grievance procedures as provided in accordance with Subchapter 23 (Employer-Employee Relations) of this Chapter.

**4:1-16.8 Removal**

(a) A permanent employee in the classified service may not be removed except for just cause upon written charges. Notice of the removal shall be sent to the employee on the form prescribed by the Civil Service Commission and a copy of said notice shall be sent to the Civil Service Department at the same time.

(b) A provisional or temporary employee may be terminated at any time at the discretion of the appointing authority. A provisional or temporary employee who has been terminated shall have no right of appeal to the Civil Service Commission.

**4:1-16.9 Causes for removal**

(a) Any one of the following shall be cause for removal from the service although removals may be made for sufficient causes other than those listed:

1. Neglect of duty;
2. Incompetency or inefficiency;
3. Incapacity due to mental or physical disability;
4. Insubordination or serious breach of discipline;
5. Intoxication while on duty;
6. Chronic or excessive absenteeism;
7. Disorderly or immoral conduct;

8. Willful violation of any of the provisions of the Civil Service statutes, rules or regulations or other statutes relating to the employment of public employees;

9. The conviction of any criminal act or offense;

10. Negligence of or willful damage to public property or waste of public supplies;

11. Conduct unbecoming an employee in the public service; or

12. The use or attempt to use one's authority or official influence to control or modify the political action of any person in the service or engaging in any form of political activity during working hours.

**4:1-16.10 Hearing on causes for removal**

The Civil Service Commission shall grant a hearing on the causes for removal if the employee sought to be removed appeals to the Commission for such a hearing as prescribed in Section 5.3 (Time for filing request) of this Chapter. The Commission in its decision may revoke or modify the action of the appointing authority.

**4:1-16.11 Investigation of removal**

(a) Within 30 days after receipt of the notice of removal from an appointing authority, whether or not an appeal has been received, the Commission may make its own investigation to determine whether the facts warrant the removal.

(b) The Commission shall, as soon as practicable after the investigation, certify its decision to the appointing authority who shall immediately comply with the decision.

# A large measure of despotism in civil service reform

By FRANKLIN GREGORY

What a horrid effort at despotism is Assembly bill 1859!

As Henry L. Campbell wrote in his weekly column in the New Jersey Civil Service Association's "Shield":

"How good it is to see that the so-called Civil Service Reform bill did not come up in the Senate after passing the Assembly with many differences of opinion . . . No legislation that places greater powers in the hands of the Governor (regardless of party) for influencing and choosing all jobs is beneficial or a boost for a Merit System.

"The bill was a smoke-screen conceived by State House influence."

Henry Campbell, educator-sociologist, put it mildly. A-1859 and its predecessors were manufactured in the office of Gov. Brendan Byrne with only one aim. That aim was to destroy the century-old merit system of public employment and return the Civil Service to the spoils system.

The bill's fabricators contend that it would make Civil Service more efficient. That simply isn't so, but the opposite is. Political hacks, loafers, no-show specialists could be appointed without merit examinations not only for State employment, but for county, municipal, and school district non-instructional jobs as well. Same thing goes for cushy jobs on sewerage commissions, mosquito control commissions, housing authorities and other local agencies.

How could this come about? For one thing, the bill destroys the Civil Service Department as we know it today. The department presently oversees hiring practices and conditions of work for both the State and local governments. It administers examinations for initial employment and promotions. It classifies jobs and salaries. When an employee is fired or otherwise penalized by the hiring authority (state or local agency), the department will hear an appeal and sustain the penalty,

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modify or reverse it.

But the Civil Service Reform bill doesn't even acknowledge there is a Civil Service except in the bill's title. It refers, instead, to "career system" — a misnomer if ever there was one since it could apply as well to the private sector.

The present Civil Service Department is topped by five commissioners, selected by the Governor with Senate consent for five-year terms. The person designated by the Governor as President of the Commission operates the machinery and earns \$52,500 a year; the other four get \$13,500 each.

A-1859's "reforms" would junk this system. It would create a Department of Personnel in executive branch headed by one Commissioner picked by the Governor. Since he would serve "at the pleasure of the Governor" (not for five years), he would be expected to do what the Governor told him to.

A political appointee pure and simple, this Commissioner would control functions and powers of the Department of Personnel which in turn would control "career" employees.

This commissioner would also have autocratic power next only to his boss, the Governor. Subject to the

advice of the Attorney General (a political appointee, too), he would fix, amend and enforce all rules governing Civil Service (oops, Career) employees.

A-1859 creates a "Merit System Protection Board" — also under the thumb of the Governor because he could appoint a majority from his own party. Just what this board would do that the present Civil Service Department isn't already doing is not quite clear.

But one thing is very clear: The immense powers vested in the Czar-Commissioner of Personnel. He would administer and oversee all examinations, classifications of job titles, and salary matters. This means he would eliminate the right of local governments to negotiate wages and establish them by local ordinances.

The Czar-Commissioner would decide the grounds for disciplinary action and the sort of such actions which could be taken by State, county and local governments.

Finally, there would be an advisory group (the Governors' Employee Relations Policy Council) of five members, all appointed by the Governor.

The bill is loaded with booby traps. For instance: The predecessor of A-1859 stipulated that 25 per cent of senior executives could be appointed without competitive examination. A-1859, as passed by the Assembly, substituted the word "reasonable" for 25 per cent. As The Shield commented in a recent issue:

"Who's kidding whom about the effect of this substitution?"

To a czar-commissioner any percentage of executive types — 60 per cent or 90 per cent — could seem quite "reasonable" so long as they were his or the Governor's tennis, golfing, or political pals.

Don't think it doesn't happen. Even under the present system, there are loopholes which permit department heads to install their buddies on the payroll. But by far the majority of public servants arrived in their jobs via merit exams.

Brendan Byrne isn't the only governor to be frustrated by Civil Service competitive examinations in making appointments. The Shield recalls that Gov. Robert B. Meyner during his first few months in office got mad. Says the Shield:

"He made a speech in Philadelphia in which he denounced 'the dead hand of Civil Service.' He changed his mind after a little more experience and worked with the system, not from the outside, and succeeded in getting a more efficient bureaucracy . . . Incidentally, he turned out to be one of the best Governors New Jersey ever had."

But as for A-1859, which may come up in the Senate when the Legislature reconvenes in September, it's a real stinker. The Civil Service Association is asking folks to let their senators know how they feel.